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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims **1-3, 5-6, 8-12, 15-29, 34-39, and 43-55** are now pending in the application.

Claims **1-3, 5-6, 8-12, 15-29, 34-39, and 43-46** have been rejected.

Claims **1, 5, 27 and 43** have been amended for clarification. Applicants respectfully assert that no new matter has been added.

Claims **47-60** have been newly added in this submission to further describe aspects of the invention. Applicants respectfully assert that no new matter has been added. Support for claims 47-58 may be found throughout the application, including at paragraphs [0052] and [0053] of the application as published. Claims 59 and 60 also find support throughout the specification, including at paragraphs [0024], [0037], and [0063]-[0076].

### **Double Patenting Rejections**

In the Office action, the Examiner rejected claims 1, 9-12, 15-27, 34, 36-38 and 45 as provisionally rejected on the ground of non-statutory obviousness-type patenting as being unpatentable over claims 1,3, 5-8, 13-15, 17-23, 30-32 and 34-37 of co-pending application No. 10/451,371.

Applicants hereby offer to withdraw co-pending application No. 10/451,371 without prejudice or to provide a terminal disclaimer upon allowance of claims in the present application.

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## CLAIM REJECTIONS

### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 3, 5, 6, 8-12, 15-29, 34-39, and 43 under 35 U.S.C. § 103(a), as being unpatentable over US Patent No. 6,542,972 (Ignatius) in view of US Patent Publication No. 2001/0040942 (Glowny). For at least the following reasons, Applicants respectfully traverse the rejection.

The Ignatius reference discloses:

A computer storage system having a processor that supports operation of at least one software application in order to store selected data in the computer storage system, at least one storage media for storing the selected data, a plurality of storage policies, each having particular storage guidelines, that are available to determine how data is to be stored in the computer storage system, and a storage control that interacts with the at least one software application of the processor to determine which of the plurality of storage policies to use for storage of the selected data and that stores the selected data according to the selected storage policy. . . (Abstract)

Applicants appreciate that the Examiner has stated that Ignatius does not disclose manipulating audio or video data in particular. However, Applicants assert that Ignatius does not perform any content analysis of the stored data, regardless of its type. The Examiner has pointed to several portions of the Ignatius reference. However, these do not teach content analysis:

Still other aspects of the present invention are realized through a method for storing data on one of a plurality of storage media of a computer storage system according to one of a plurality of storage policies that are defined by a user. The method involves, not necessarily in this order directing a software application to store selected data; examining the selected data for particular characteristics; selecting a particular storage policy that matches the particular characteristics of the selected data; and storing the selected data on a storage media of the computer storage system according to the particular storage policy. (col. 3 lines 34-45, emphasis added)

\* \* \*

In this embodiment, when the software application is directed to stored data, the data is sent to the installed file system and then the manager module 314 examines the storage policies 316 to determine the appropriate location for storage of the data. (col. 5 lines 4-8)

Applicants have carefully reviewed the above portions of the Ignatius reference, and as Applicants have previously pointed out, the “particular characteristics” of the data being stored and on which the storage decisions are made, do not relate to the actual content of the data stored. The entirety of the Ignatius reference clarifies that the characteristics are external data, such as user who created the data, size of the data, etc. In the Summary of the Invention, the Ignatius reference states:

The initial storage sequence selection criteria are commonly user directed override, user profile, application, file type, user network location, and available storage space or similar criteria. The storage sequence reselection criteria are criteria such as specific file usage history, file type usage history, user profile, user network relocation, available storage space, added storage media, etc. Finally, the storage sequence adaptation criteria are items such as specific file usage history, user profile, user network relocation, available storage space, added storage media, or other suitable criteria that becomes apparent to those of ordinary skill in the art and viewing the present disclosure. (col. 2 lines 3-15, emphasis added)

This is further clarified throughout the Ignatius reference, for example:

A default initial storage sequence selection is selected for the storage system 100, and the default is comprised of a particular arrangement of factors such as a user directed override 702, a user profile 704, an application 706, a file type 708, a user network location 710, an available storage space 712 . . . (col. 7 lines 44-49, emphasis added)

Thus, storage decisions may be made by the Ignatius methodology based on the above characteristics without ever opening the data, i.e., without reference to the content. Therefore, these characteristics are not characteristics of the content, and storage decisions are not made by automatically analyzing the content.

In contrast, the present application describes analyzing content of an audio or video stream to obtain characteristics of the audio or video content, and to make storage decisions based on such content. For example, the specification of the present application discloses:

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[0024] Automatic analysis of the data is more preferably performed according to the type of data being analyzed. Examples of different types of automatic analysis processes which may optionally be performed include but are not limited to, Computer Telephony Integration (CTI) for telephone or video communications being managed by a computer, speech-to-text conversion for voice communication data, a video analyzer for video data, OCR (optical character recognition) for printed matter which has been electronically scanned, image analysis for image data, text analysis for textual data, analyzers for user interface data, and analysis of metadata added at a later stage, due to information retrieved from CRM (Customer Relationship Management) servers or other third party servers.

\* \* \*

[0052] Video analysis may optionally be performed by video analyzer 76 as follows. Video data is obtained, for example from a camera as a non-limiting example of video source 54. A frame-grabber is then preferably used to obtain at least one frame from the video data. The frame is preferably analyzed. More preferably, only a portion of the frame is stored as captured data. For example, if a video camera is used to monitor the entrance to a secure area, then optionally only those frames, or alternatively those portions of each frame, which feature a human subject near the actual entrance are of interest. Additionally or alternatively, changes in the background of each frame may optionally be detected and tracked, as being of interest.

[0053] One example of a type of analysis which may be performed with the video data is a motion detection algorithm, which is well known in the art. Another example is face recognition algorithms, which are also well known in the art. Non-limiting examples of video analysis algorithms are described at <http://www.cs.rochester.edu/u/nelson/research/motion/motion.-html> as of Dec. 31, 2001, for motion detection algorithms and at <http://www.white.media.mit.edu/vismod/demos/facerec> as of Dec. 31, 2001, for face recognition algorithms. More preferably, such analyses are performed with firmware, such as a DSP (digital signal processor) for example. The results may then optionally be stored as the captured data.

Accordingly, the Ignatius reference does not disclose every element of claim 1, including “automatically analyzing the content of the audio or video data to determine at least one characteristic of the audio or video content of the received stream.”

In addition, because the Ignatius reference does not disclose content analysis, it also does not disclose or teach generating metadata based on the content analysis. Accordingly,

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the Ignatius reference also does not disclose “generating based on said content analysis of the audio or video data metadata associated with the at least one characteristic” as recited in amended claim 1.

Claims 27 and 43 include similar claim elements to claim 1, and therefore are allowable for similar reasons.

The Examiner has stated that the Ignatius reference does not disclose video or audio data, and has cited the Glowny reference for this proposition. Indeed, the Glowny is directed to monitoring and recording of telephone calls in a telephone switching environment. However, the CTI metadata manipulated by the Glowny reference is not generated by analysis of the data content. For a more comprehensive discussion of the Glowny reference, the Examiner is directed to Applicants’ previous response, submitted in connection with the request for continued examination.

Therefore, the Ignatius and Glowny reference taken together do not teach or disclose elements of claim 1, including (a) automatically analyzing the content of the audio or video data to determine at least one characteristic of the audio or video content of the received stream; (b) generating based on said content analysis of the audio or video data metadata associated with the at least one characteristic; or (c) selecting one of a plurality of storage options having different types of accessibility and/or capacity according to said generated metadata pertaining to said at least one characteristic and according to at least one rule.

Claims 27 and 43 include similar claim elements to claim 1, and therefore are allowable for similar reasons. Accordingly, claims 3, 5, 6, 8-12, 15-26, 29, and 34-39 are likewise allowable as depending from an allowable base claim.

In addition to the above, claims 47-58 have been newly added to further claim inventions of the present application.

Claims 47, 51, and 55 recite that analyzing the content of video data comprises analyzing the content of at least one frame of the stream of video data.

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Claims 48, 52, and 56 recite that the characteristic of the content on which the storage decision is based is human presence, and that analyzing the content of at least one frame comprises determining the presence of a human subject in the frame.

Claims 49, 53, and 57 recite that the characteristic of the content on which the storage decision is based is motion detection, and that analyzing the content of the at least one frame comprises detecting motion in the frame.

Claims 50, 54, and 58 recite that the characteristic of the content on which the storage decision is based is face recognition, and that analyzing the content of the at least one frame comprises recognizing a face in the frame.

Claims 47-58 are allowable both as depending from allowable base claims, and because neither the Ignatius nor the Glowny references disclose making storage decisions based on the particular types of such content analysis recited in the claims.

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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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